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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,777	10/01/2001	Satoru Ouchi	110700	7090

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Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/937,777	Applicant(s) OUCHI, SATORU	
	Examiner Yveste G. Cherubin	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is in response to the RCE of the US Application No. 09/937,777 filed August 19, 2004.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 34, 49, 54, 59 recite "*a second generating section for generating image data with no distortion corresponding to the normal screen, by superposing the game data on the game image data corresponding to the normal screen of the game image data generated by the first generating section*". By definition, the term "superpose" means "to set or place (one thing) over or above something else". Upon reviewing the application, the Examiner notes that the disclosure fails to provide support for the added claimed limitations. Applicant is required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced.

In the advent that the Applicant disagrees with the Examiner's assumption, the Applicant is required to provide the paragraph and the pages in the specification where the Examiner can find support for the claimed limitations.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations “a second generating section, by superposing the game data on the game image data ...” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45-49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim language recites "a computer program comprising:...." The claims as written define nonfunctional descriptive material i.e. descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process. Therefore, Applicants are requested to review the claims and specification and to make correction accordingly. The claims can either be cancelled or amended to meet the proper statutory requirements. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 30, 45, 50, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai et al. (US Patent No. 6,252,590) in view of Miyamoto (US Patent No. 6,331,146 – of record).

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Regarding claims 30, 45, 50, 55, Sawai discloses an image processing apparatus capable of displaying user interface pictures suited for resolutions in accordance with aspect ratios 16:9 and 4:3. Sawai further discloses that the resolution between aspect ratios of 4:3 and 16:9 capable of being switched to suitably display images without distortion, 13:21-40. Sawai discloses his system being implemented in game environment, 13:13-18. However, Sawai fails to disclose providing an operation input section and a character control input section for controlling a character according to operation input to the operation input section by a player. Miyamoto teaches a video game system comprising operation input and character control features, abstract, wherein the control keys allow player control over a character's exploration of the three-dimensional world, 2:41-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Miyamoto into the Sawai type system in order to determine the location of the player controlled character and therefore allow game play with enhanced reality.

b. Claims 31-33, 35-37, 39, 46-48, 51-53, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai et al. in view of Miyamoto and further in view of Okayama (US Patent No. 5,045,939 – of record).

Regarding claims 31-33, 51-53, 56-58 Sawai in view of Miyamoto discloses the claimed invention as substantially as discussed above. Sawai in view of Miyamoto fail to disclose generating section extracting an area corresponding to the character in the game image data corresponding to a position, a moving direction or an eye direction of

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the character in the game image data as the game image data corresponding to the normal screen, from the game image data generated by the first generating section. Okayama teaches an apparatus utilizing motion detector for converting a maximum motion portion of a wide screen television signal to a normal television signal, title. Okayama further teaches providing an extracting section for extracting the area in which the motion of the picture is the greatest, 2:17- 43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Okayama into the Sawai in view of Miyamoto type system in order to provide an enhanced gaming system.

Regarding claims 35-37, 46-48, refer to claim 30 above for rejection.

Regarding claim 39, providing an external output display, such as television, computer monitor, etc, connected to a game apparatus is well known.

c. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai et al. in view of Miyamoto and further in view of Okayama and further in view of Schreiber (US Patent No. 6,043,483).

Regarding claim 38, Sawai in view of Miyamoto and Okayama disclose the claimed invention as substantially as discussed above. Sawai in view of Miyamoto and Okayama fail to disclose adjusting brightness of the game image. Schreiber teaches an apparatus and method using an indexed-encoder to sense the absolute position of a movable object, see abstract. Schreiber further teaches adjusting brightness according to detected position of the movable object, 10:27-44. It would have been obvious to one

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of ordinary skill in the art at the time the invention was made to incorporate the teaching of the feature cited above by Schreiber into the Sawai in view of Miyamoto and Okayama type system in order to provide efficient light to associated screen display.

d. Claims 34, 44, 49, 54, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kranawetter et al. (US Patent No. 5,309,234).

Regarding claims 34, 49, 54, 59 Kranawetter teaches a display control system, capable of being used for video games, 8:51-53 and capable of converting wide screen image data to a normal image data without distortion, 2:28-37, wherein image data corresponding to a wide screen comprises a part where image data corresponding to a normal screen is displayed and a part where data such as text is displayed, 2:20-27. Kranawetter further discloses superposing data on the image data corresponding to the normal screen of the image data generated by the image data corresponding to the wide screen, 6:8-18, 8:3-12. Although Kranawetter discloses the displayed text information not being related to the displayed image, 8:3-12 it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kranawetter's system to use the display to suit one's needs, in this instant case, displaying text related to displayed image.

Regarding claim 44, connecting external display such as television set or computer display to game apparatus to output game image data is known.

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e. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kranawetter et al. (US Patent No. 5,309,234) in view of Okayama (US Patent No. 5,045,939).

Regarding claims 40-42, Kranawetter discloses the claimed invention as substantially as disclosed above. Kranawetter fails to disclose switching between game image data generated by the first generating section and the game image data generated by the second generating section, to output either the game image data generated by the first generating section or the game image data generated by the second generating section, automatically switching image data to be outputted, according to a signal outputted from a predetermined display section, switching the image data to be outputted, according to a type or a state of a progress of the game. Okayama teaches an apparatus for converting a wide screen television signal to a normal screen television. Okayama further teaches automatically outputting image data in either normal or wide screen, 5:32-6:8 and according to the motion state, 4:4-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Okayama into the Kranawetter type system in order to enhance the display system.

f. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kranawetter et al. (US Patent No. 5,309,234) in view of Sawano et al. (US Patent No. 6,285,381).

Regarding claim 43, Kranawetter discloses the claimed invention as substantially as disclosed above. Kranawetter fails to disclose adjusting a brightness of the image data.

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Sawano teaches a device capable of displaying images in videogame systems. Sawano further teaches allowing the user the possibility of adjusting the brightness of the game image, 9:3-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature cited above as taught by Sawano into the Kranawetter type device in order to enhance visual display.

Response to Arguments

6. Applicant's arguments with respect to claims 31-59 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. US Patent No. 5,907,659 to Yamauchi which teaches optical disc for which a sub-picture can be favorably superimposed on a main image, and a disc reproduction apparatus and a disc reproduction method for the disc.
 - b. US Patent No. 6,785,463 to Yamauchi which teaches reproduction apparatus and a reproduction method for video objects received by digital broadcast.
 - C Japanese Patent No. 404345388A to Takada et al. which teach wide screen television receiver.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Thai Xuan can be reached on (703) 308-2064. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ygc


XUAN M. THAI
PRIMARY EXAMINER
AU 3713